

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

## PCT

To:

see form PCT/ISA/220

### WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing

(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

#### FOR FURTHER ACTION

See paragraph 2 below

International application No.  
PCT/GB2004/001283

International filing date (day/month/year)  
23.03.2004

Priority date (day/month/year)  
25.03.2003

International Patent Classification (IPC) or both national classification and IPC  
B65D90/62, B65D90/22

Applicant  
SYLTONE PLC

#### 1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

#### 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

#### 3. For further details, see notes to Form PCT/ISA/220.

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WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITYInternational application No.  
PCT/GB2004/001283

JC20 Rec'd PCT/PTO 21 SEP 2005

**Box No. I Basis of the opinion**

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:  
☐ a sequence listing  
☐ table(s) related to the sequence listing
  - b. format of material:  
☐ in written format  
☐ in computer readable form
  - c. time of filing/furnishing:  
☐ contained in the international application as filed.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/GB2004/001283

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**Box No. II Priority**

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1. ☒ The following document has not been furnished:

- ☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).  
☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

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**Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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1. Statement

Novelty (N)	Yes: Claims	5-9
	No: Claims	1-4,10-12
Inventive step (IS)	Yes: Claims	5-9
	No: Claims	1-4,10-12
Industrial applicability (IA)	Yes: Claims	1-12
	No: Claims	

2. Citations and explanations

see separate sheet

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Concerning Item V:

- 1 The following documents are referred to in this communication:

D1 : US 6 112 762 A (DEAN ROBERT H ET AL) 5 September 2000

D2 : US 5 244 181 A (VANDEVYVERE BRYAN E) 14 September 1993

D3 : US 6 477 743 B1 (PETERSON WALTER W ET AL) 12 November 2002

2 INDEPENDENT CLAIMS 1 AND 11

- 2.1 Because of its broad formulation, the subject-matter of independent claim 1 is not new:

Document D1 discloses a valve comprising a valve body having an inlet and an outlet for liquid, a valve seat (60), and a valve member (58) movable onto the valve seat (60) to close the valve, the valve also comprising a secondary seal (72) in the form of a barrier member positioned to prevent any leakage of liquid from the valve outlet (see col.3, l.51-col.4, l.12 and fig.11-12).

For the sake of completeness, the attention of the applicant is drawn to the fact that the document D2 discloses all the features of claim 1 as well: see the secondary barrier member (40), col.2, l.50-col.3, l.35 and fig.1-3;

Moreover, as it is not claimed in claim 1 for which kind of container the valve is used, the document D3 discloses all the features of claim 1 as well: D3 shows a valve comprising a valve body (42) having an inlet and an outlet for liquid, a valve seat (130), and a valve member (100, 116) movable onto the valve seat (130) to close the valve, the valve also comprising a secondary seal (60) in the form of a barrier member positioned to prevent any leakage of liquid from the valve outlet (see col.6, l.45-61; col.7, l.23-67 and fig.3-5).

- 2.2 The subject-matter of independent claim 11 is not new for the same reasons as all the above cited documents show a container for liquid comprising a valve.

Therefore the present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of the independent claims 1 and 11 is not new in the sense of Article 33(2) PCT.

**3 DEPENDENT CLAIMS 2-4, 10, 12**

Dependent claims 2-4, 10, 12 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty (Article 33(2)PCT):

- \* D1 and D2 both disclose the additional features of the claims 4, 10 and 12;
- \* D3 discloses the additional features of the claims 2 to 4 and 10.